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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/889,230

Confirmation No.: 9837

In re Application of:

Naoki YUMIYAMA et al.

Group Art Unit: 2655

Filed: July 13, 2001

Examiner: Jorge L. Ortiz Criado

For: OPTICAL DISK REPRODUCING DEVICE

REMARKS ACCOMPANYING  
REQUEST FOR CONTINUED EXAMINATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Advisory Action states that the Amendment filed June 30, 2004 will not be entered because it allegedly raises new issues that would require further consideration and/or search, and is not deemed to place the application in better form for appeal. More specifically, the Advisory Action states that:

[t]he proposed amendments of controlling a spindle motor "during a start-up period" raise new issues that would require further consideration and/or search. Also the limitation of "during a start-up period" cannot be found cited in the specification and would require further consideration under 35 U.S.C. §112 basis.

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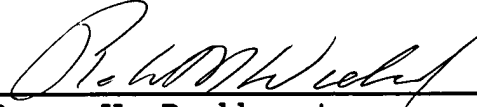
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Applicants' specification, page 5, lines 31-33, describes the time period from "the start of spin-up processing to the read standby state" and page 6, line 2, describes "spin-up time." These descriptions together describe the period during which the disk spins up from zero to a read standby state, which is generally understood by a person skilled in the art as being the start-up period. Thus, the phrase "during a start-up period" recited in claims 1 and 3 is fully described in applicants' specification.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.

August 25, 2004  
Date

  
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RWP:RNW/mhs

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